

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 4, 1997

DIVISION TWO

B102166 People (Not for Publication)
v.
Cooks

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B105303 People (Not for Publication)
v.
Orabuena

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B105848 Carrillo (Not for Publication)
v.
Regents of the University of California, et al.

The judgment dismissing plaintiff's complaint after sustaining demurrer without leave to amend on grounds of failure to exhaust administrative remedies is reversed. The granting of defendant's motion for attorney's fees is consequently also reversed. The request for judicial notice is denied as moot in view of these rulings. The matter is remanded for further proceedings consistent with this opinion. Plaintiff to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

December 4, 1997-Continued

DIVISION TWO (Continued)

B109368 Los Angeles County, D.C.S. (Not for Publication)

v.

Beverly U. and Rogert C.

The appeal is dismissed.

Zebrowski, J.

We concur: Fukuto, Acting P.J.

Nott, J.

B089930 Kish (Not for Publication)

v.

Home Insurance Company

The judgment is affirmed.

Zebrowski, J.

We concur: Fukuto, Acting P.J.

Nott, J.

B099550 Keavey

v.

City of Glendale

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

B111894 Los Angeles County, D.C.S.

v.

Robert D.W.

Filed order granting dismissing appeal in re: *Sade C.*

December 4, 1997-Continued

DIVISION THREE

[illegible]

The true finding on one of the section 667, subdivision (a)(1), prior serious felony conviction enhancements is reversed and the five-year term attributable to the enhancement is stricken. As so modified, the judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B108712 People (Not for Publication)
v.
Lewis

The judgment is affirmed.

Klein, P.J.

We concur: Aldrich, J.
Aranda, J. (Assigned)

B101787 People (Not for Publication)
v.
Higgins

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

December 4, 1997-Continued

DIVISION THREE (Continued)

B105307 People (Not for Publication)
v.
Maroney

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B104678 Ondra L. Miller (Not for Publication)
v.
City of Los Angeles

The order of dismissal is affirmed. The City to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B110636 Los Angeles County, D.C.S. (Not for Publication)
v.
Kathy W.

The Court:

The appeal is dismissed.

Klein, P.J., Croskey, J., Kitching, J.

December 4, 1997-Continued

DIVISION FIVE

B107250 People (Not for Publication)
v.
Ricardo Solis

We order that the reference to count 3 be deleted from the abstract of judgment and that the abstract be corrected to show that appellant was convicted on count 4, of grand theft from a person, in violation of section 487, subdivision (c), and was sentenced to a consecutive term of 1 year, 4 months (one-third the mid term). We affirm the judgment of conviction in all other respects.

Armstrong, J.

We concur: Turner, P.J.
Jackson, J. (Assigned)

B105782 Terry Lac (Not for Publication)
v.
High Ten Partners, Inc. et al.

The judgment is affirmed. Respondent to recover costs.

Jackson, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B109570 Tokai Bank of California (Not for Publication)
v.
Steve Chamness

The judgment is affirmed. Respondent to recover costs.

Jackson, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

(Not for Publication)

B101244 Bank of America National Trust and Savings Association
v.
David K. McElroy

The court's judgment and order are affirmed. Each side to bear its own costs on appeal.

Jackson, J. (Assigned)

We concur: Turner, P.J.
Armstrong, J.

B108497 People (Not for Publication)
v.
Alvin Giddens

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Turner, P.J.
Armstrong, J.

B109604 People (Not for Publication)
B109605 v.
Derrick Davis

The abstract of judgment in superior court case number BA126832 is modified to reflect that the sentence imposed is concurrent with the sentence imposed in superior court case number YA029734. As modified, the judgment is affirmed. (B109605.)

The abstract of judgment in superior court case number YA029734 is modified by deleting the two one-year enhancements pursuant to Penal Code section 667.5, subdivision (b) for a total sentence of two years. As modified, the judgment is affirmed. (B109604.)

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

December 4, 1997-Continued

DIVISION FIVE (Continued)

B112842 People (Not for Publication)

V.
Lamingo Johnson

The judgment is modified to reflect a stay pursuant to Penal Code section 654 of the sentence imposed for grand theft (count 2). As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B107287 People (Not for Publication)

V.
Michael Evans

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B108355 People (Not for Publication)

V.
Antonio D. Campos, et al.

The judgments are affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Jackson, J. (Assigned)

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Simpson, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

Each of the following:

B100147 People v. King
B103471 People v. Dor
B104256 People v. Pitts
B104766 People v. Caldwell
B104916 People v. Genova
B105262 People v. Reed
B105313 People v. Bates, Stanley and Tran
B106090 People v. Brown and Hicks
B106886 People v. Desantiago
B107112 People v. Nunez
B107123 People v. Rosa
B109202 People v. Ybarra
B109249 People v. Brown
B109367 People v. Jackson
B110443 People v. Jackson
B110659 People v. Latasha W.
B110817 People v. Pouncil
B110865 People v. Jorge A.
B111628 People v. Sledge
B111634 People v. Gentry
B112319 People v. Patchen
B107027 People v. Morales
B110682 People v. Murphy
B111901 People v. Raul R.
B107817 People v. Johnson
B116031 Maria A. v. Dept. of Children's & Family Services

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B107577 People
 v.
 Stokes

Appearances:

Joseph Lee, deputy attorney general, for respondent and no appearance by counsel for appellant. Cause submitted.

B108417 People
 v.
 Perez

Merits:

Argued by Jerome Wallingford for appellant and Joseph Lee, deputy attorney general, appearing for respondent waives argument. Cause submitted.

B102223 People
 v.
 Revuelta and Sanchez

Merits:

Argued by Richard Schwartzberg for appellant Sanchez and by Audree Wong, deputy attorney general, for respondent. Anthony Dain for appellant Revuelta waives oral argument. Cause submitted.

B105311 Lee
 v.
 Downey Savings & Loan Assoc.

Merits:

Argued by Leonard Steiner for appellants and by Jody Johnson for respondent. Cause submitted.

B111300 Mighty Enterprises
 v.
 R&W Projects

Appearances:

W. Doxorsky for respondent and no appearance for appellant. Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B099036 Pace
 v.
 Oas & Hunt

Merits:
Argued by Maynard Klein for appellant and by David White for
respondent. Cause submitted.

B109426 Associated Builders & Contractors, Inc.
 v.
 Metropolitan Water District

Merits:
Argued by Ann Kane Smith for appellant and by Andrew Peterson for
respondent. Cause submitted.

B094146 People v. Taylor and Atlas
B105521 People v. Centeno

Each:
 Matter ordered off calendar.

The Court recessed.

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Simpson, J. (Assigned), and Emma
Jean Amos, Deputy Clerk.

B098939 Gohary
 v.
 California Casualty Ins. Company

Merits:
Argued by Darren Salute for appellant and counsel for respondent appears
and waives argument. Cause submitted.

DIVISION SEVEN (Continued)

B103398 Hobdy
 v.
 State of Calif. Dept. of Insurance

Merits:
Argued by Damon Hobdy for appellant and by Philip Griffin, deputy attorney general, for respondent. Cause submitted.

B104165 Tully
 v.
 United Airlines

Merits:
Argued by Christopher Olmsted for appellant and by Teresa Beaudel for respondent. Cause submitted.

B103139 Roberts
 v.
 City of Los Angeles

Merits:
Argued by Molly Roff-Sheridan, deputy city attorney, for appellant and by Larry Roberts for respondent. Cause submitted.

B113291 Eyes of The Beholder
 v.
 Generale Bank

Merits:
Argued by Todd Malynn for appellants and by Harold Light for respondent. Cause submitted.

Court adjourned.